

LPA 1/1993

BEFORE

HON'BLE THE CHIEF JUSTICE MR. MADAN B. LOKUR

HON'BLE MR. JUSTICE B.P. KATAKEY

HON'BLE MR. JUSTICE A.K. GOSWAMI

A letter has been received from Sarnalata Hijam, Advocate on behalf of one of the respondents Shri I. Gulap Singh of Imphal.

In the letter, a request is made that the matter may be re-transferred back to Imphal since it would be more convenient for the parties to conduct the litigation in Imphal. It is also stated that it is not possible for any one of them to appear in the matter today from Imphal since the listing of this case was intimate d to them quite late.

We find from a perusal of the order passed in this case particularly the order dated 9-4-2004 that the question raised in this case is with regard to maintainability of a Letters Patent Appeal (LPA).

It appears that Original Suit No.31/1980 was filed before the Subordinate Judge at Imphal in Manipur and that suit was decreed by a judgment and order dated 31-8-1981.

Against the judgment and order dated 31-8-1981 a First Appeal bearing No .38/81/10/81 was filed and that was decided by a judgment and order dated 15-4-1993 whereby the Original Suit was dismissed.

This judgment and order dated 15-4-1993 is the subject matter of the present LPA.

Keeping in mind the request made by one of the learned counsels appearing in the case and since it appears that the matter pertains to Manipur and it can more appropriately be dealt with in the State of Manipur, we send back the case papers to the Imphal Bench to be listed before a Division Bench at Imphal for a decision on merits.

In the event the Division Bench feels the necessity of referring the matter to a Larger Bench, it will, of course, be at liberty to do so.

Mr N Dutta, learned Advocate General, Arunachal Pradesh says that notice has been issued in this appeal to the Advocates General of all the North Eastern States as well as to the various Bar Associations.

The notice issued to the various Advocates General of various States and various Bar Associations is discharged.

The Registry will arrange to send the papers to Imphal Bench as soon as possible

.